

REMARKS

Initially, in the Office Action dated September 29, 2004, the Examiner rejects claims 1-4, 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,704,503 (Santhanam) in view of ACM - 1992, "Design and Evaluation Compiler Algorithm for Prefetching" (Mowry et al.). Claim 5 has been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

By the present response, Applicant has canceled claims 1-4, 6 and 7 without disclaimer. Applicant has submitted new claim 8 for consideration by the Examiner and respectfully submit that this claim does not contain any prohibited new matter. Claims 5 and 8 remain pending in the present application.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 5 would be allowable if rewritten in independent form. Applicant has rewritten claim 5 in independent form putting this claim in condition for allowance.

35 U.S.C. §103 Rejections

Claims 1-4, 6 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Santhanam in view of Mowry et al. Applicant has canceled these claims therefore rendering these rejections moot.

New Claim

Applicant has submitted new claim 8 for consideration by the Examiner and respectfully submit that this claim contains limitations similar to those in claim 5,

deemed allowable by the Examiner. Accordingly, Applicant submits that new claim 8 is allowable over the cited references.

In view of the foregoing amendments and remarks, Applicant submits that claims 5 and 8 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 520.41151X00).

Respectfully submitted,

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